

Assembly Bill No. 617

Passed the Assembly August 16, 1999

Chief Clerk of the Assembly

Passed the Senate July 15, 1999

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 1999, at _____ o'clock ____M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Section 2894 of the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 617, Campbell. Telephone corporations: customer right of privacy.

Under existing law, the disclosure of any information by an interchange telephone corporation, a local exchange telephone corporation, or a radiotelephone utility, in good faith compliance with the terms of a state or federal court warrant or order or administrative subpoena issued at the request of a law official or other federal, state, or local governmental agency for law enforcement purposes, is a complete defense against specified civil actions relating to the right of privacy. Existing law defines the term “radiotelephone utility” for that purpose to mean any public utility licensed by the Federal Communications Commission pursuant to specified federal regulations and certificated by the Public Utilities Commission to provide one-way or two-way or one-way and two-way radiotelephone services in this state.

This bill would replace “radiotelephone utility” with “a provider of commercial mobile radio service ” and would define “commercial mobile radio service”, for purposes of these provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 2894 of the Public Utilities Code is amended to read:

2894. (a) Notwithstanding subdivision (e) of Section 2891, the disclosure of any information by an interexchange telephone corporation, a local exchange telephone corporation, or a provider of commercial mobile radio service, in good faith compliance with the terms of a state or federal court warrant or order or



administrative subpoena issued at the request of a law enforcement official or other federal, state, or local governmental agency for law enforcement purposes, is a complete defense against any civil action brought under this chapter or any other law, including, but not limited to, Chapter 1.5 (commencing with Section 630) of Part 1 of Title 15 of the Penal Code, for the wrongful disclosure of that information.

(b) As used in this section the following terms have the following meanings:

(1) “Interexchange telephone corporation” means a telephone corporation that is a long-distance carrier.

(2) “Local exchange telephone corporation” means a telephone corporation that provides local exchange services.

(3) “Commercial mobile radio service ” has the same meaning as the term “commercial mobile service” as defined in Section 332(d)(1) of Title 47 of the United States Code.



Approved _____, 1999

Governor

